

Paper No. 576
Disposes of
Paper No. 515
In part only

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al) ORDER:
- vs -) THAT FACILITIES TO INTERVIEW
) CERTAIN WITNESSES REQUESTED
ARAKI, Sadao; et al) BY THE ACCUSED ARAKI BE PRO-
) VIDED; AND FOR THE PRODUCTION
	OF DOCUMENTS.

This matter coming on to be heard on this 12th day of November, 1946, before the Honorable Sir William Webb, President of the Tribunal, upon the application of ARAKI, Sadao, one of the defendants herein, for the production of witnesses and documents necessary to the defense of said ARAKI, Sadao, in accordance with the provisions of Section III, Article 9, Paragraph (e) of the Charter, the names of said witnesses and the description of the documents being fully set forth in said application, which is Paper No. 515; and after hearing the statements and arguments of Counsel for the said ARAKI, Sadao, and the Tribunal being fully advised in the premises, it is

ORDERED: That each of the following named persons, all of whom are Japanese nationals and may be located within the territorial limits of Japan, be produced or required to present himself at the time and place directed by the General Secretary of the Tribunal for interrogation by Counsel for the accused ARAKI to determine if his presence will be required at a later date to testify on behalf of the said ARAKI:

1. KOMURA, Sekehiko;
 - (a) The nationality of the witness is Japanese;
 - (b) He is presently in Tokyo and is a government official in the Home Office;
2. FUTAIRA, Yoshinori;
 - (a) The nationality of the witness is Japanese;
 - (b) He is presently in Tokyo and is a member of the Upper House;
3. KITA, Reikichi;
 - (a) The nationality of the witness is Japanese;
 - (b) He is presently in Tokyo and is a member of the Lower House;
4. YASUI, Eiichi;
 - (a) The nationality of the witness is Japanese and an ex-Education Minister;
 - (b) This witness may be located in Kanagawa Prefecture;
5. SAWADA, (Mrs.) Renzo;
 - (a) The nationality of the witness is Japanese and the wife of the ex-Ambassador SAWADA;
 - (b) This witness may be located in Kanagawa Prefecture.
6. HATOYAMA, Ichiro;
 - (a) The nationality of the witness is Japanese and an ex-Education Minister;
7. MITSUCHI, Chuzo;
 - (a) The nationality of the witness is Japanese and an ex-Railway Minister;
 - (b) This witness may be located in Tokyo;
8. YAMAOKA, Juko;
 - (a) The nationality of the witness is Japanese and an ex-Lieutenant General;
 - (b) This witness may be located in Ehime Prefecture;

9. MAZAKI, Jinseburo;
 - (a) The nationality of the witness is Japanese and an ex-General;
 - (b) This witness may be located in Sugamo Prison, Tokyo;
10. HORIKIRI, Zenjiro;
 - (a) The nationality of the witness is Japanese and an ex-Chief of the Cabinet Secretariat;
 - (b) This witness may be located in Tokyo;
11. ARIYOSHI, Chuichi;
 - (a) The nationality of the witness is Japanese and an ex-Ambassador to China;
 - (b) This witness may be located in Tokyo;
12. UEDA, Kenkichi;
 - (a) The nationality of the witness is Japanese and an ex-General;
 - (b) This witness may be located in Tokyo;
13. HANEDA, Toru;
 - (a) The nationality of the witness is Japanese and an ex-President, Kyoto Imperial University;
 - (b) The witness may be located in Kyoto;
14. YONAI, Mitsumasa;
 - (a) The nationality of the witness is Japanese and an ex-Premier;
 - (b) This witness may be located in Tokyo;
15. KANAMORI, Tokujiro;
 - (a) The nationality of the witness is Japanese and Minister of State;
 - (b) This witness may be located in Tokyo;
16. IKEZAKI, Tadetaka;
 - (a) The nationality of the witness is Japanese and an ex-Parliamentary Councillor of the Education Office;

- (b) This witness may be located in Sugamo Prison, Tokyo;
17. MIZUNO, Shinko;
- (a) The nationality of the witness is Japanese and is Chief of the Movie Section of the Tokyo Mainichi Newspaper;
- (b) This witness may be located in Tokyo;
18. KINOSHITA, Takeshi;
- (a) The nationality of the witness is Japanese and is President of the Kagoshima Newspaper;
- (b) This witness may be located in Kagoshima Prefecture;
19. RYU, Kuratsugu;
- (a) The nationality of the witness is Japanese and is an ex-Major General;
- (b) This witness may be located at the Kumamoto Prefecture;
20. TAKAGI, Rikuro;
- (a) The nationality of the witness is Japanese and is a business man;
- (b) This witness may be located in Tokyo;
21. KOYAMA, Matsukichi;
- (a) Ex-Minister of Justice, Tokyo;

It is further ORDERED: That every facility and assistance be provided to Counsel for the accused ARAKI to submit written interrogatories to or verbally interrogate each of the following named persons at the place where said person is now located and held:

1. MURAKAMI, Keisaki;
- (a) The nationality of the witness is Japanese and an ex-Lieutenant General;
- (b) This witness was in Manchuria at the end of the war and is now believed to be a prisoner of war of the Soviet Union;

2. MUDAGUCHI, Renya;

- (a) The nationality of the witness is Japanese and an ex-Lieutenant General;
- (b) This witness is believed to be in Singapore, having been sent there from Tokyo in September by the Allies;

It is further ORDERED: That Counsel for the accused ARAKI may submit written interrogatories to each of the following named persons listed in his application and that every facility be afforded to the said Counsel in securing the submission of said interrogatories and the answers of the witnesses thereto:

1. HUNT, Frazier;

- (a) The nationality of the witness is American and a journalist;
- (b) This witness was a special correspondent for the International News Service in Japan during the year 1932 and is believed to be at present in the United States of America;

2. PIGCOT, Major General;

- (a) The nationality of the witness is British and is an ex-Military Attache to the British Embassy in Japan;
- (b) This witness may be located in London;

3. LINDLEY, ex-Ambassador;

- (a) The nationality of the witness is British and is an ex-British Ambassador to Japan;
- (b) This witness can be located in England;

It is further ORDERED: That the application for the production of the witness Hugh Byas may be withdrawn by

the accused, it appearing that said Byas is now deceased.

It is further ORDERED: That the application of the accused for the issuance of a subpoena for each of the persons named in his request for the production of witnesses is indefinitely continued, awaiting the results and disclosures of the interrogations hereinbefore authorized and ordered, and the accused is granted permission to file a supplemental application for the issuance of subpoenas for such witnesses, selected from the list named in his original application (Paper No. 515), as may be found necessary to his proper defense in this case, as a result of said interrogations.

It is further ORDERED: That the application of the accused for the production of documents is granted; and that the following documents, which may be located at the place or in the custody of the agency set forth opposite the description of said documents, be procured forthwith and lodged with the Registry of the Tribunal:

<u>DOCUMENT</u>	<u>LOCATION</u>
1. Stenographic Record of main Session of Privy Council on January 30, 1932	Privy Council Office
2. Stenographic Record of 60th Session of Diet (Upper House)	Upper House Office
3. Stenographic Record of 61st Session of Diet (Upper House)	Upper House Office
4. Stenographic Record of 62nd Session of Diet (Upper House)	Upper House Office
5. Stenographic Record of 63rd Session of Diet (Upper House)	Upper House Office
6. Stenographic Record of 64th Session of Diet (Upper House)	Upper House Office
7. Stenographic Record of 74th Session of Diet (Upper House)	Upper House Office

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| 8. | Stenographic Record of 62nd Session of Diet (Lower House) | Lower House Office |
| 9. | Copy of New York Times, Mar. 12, 1933, containing the article "Men of Affairs in Japan." | New York City |
| 10. | Copy of Hugh Byes' broadcast of Dec. 2, 1931, on the Manchurian problem; | Broadcasting Station, JOAK Tokyo |
| 11. | Copy of Frazier Hunt's broadcast of June 2, 1932 entitled "Japan in Transition." | Broadcasting Station, JOAK, Tokyo |
| 12. | Copy of Hugh Byes' interview with General ARAKI on June 16, 1932 concerning China and Manchuria; | London and/or New York Times |
| 13. | Copy of any article which appeared in the New York or London Times as a result of Hugh Byes' interview with General ARAKI on January 16, 1932; | London and/or New York Times |
| 14. | Stenographic Record of the Upper House on January 31, 1939; | Upper House Office |
| 15. | Stenographic Record of the Upper House on February 19, 1939; | Upper House Office |
| 16. | Stenographic Record of the Upper House on March 7, 1939; | Upper House Office |
| 17. | Deed accompanying the transfer of the Chinese Eastern RR between Manchouli and Cheng Chun; transaction took place in 1933; | Might be found in Japanese Foreign Office |
| 18. | Document delivered by General ULDA to the Chinese Commander-in-Chief at Shanghai, requesting on behalf of the Japanese Government negotiations for a peaceful settlement of the Shanghai Incident of 1932. | Japanese Foreign Office |

Dated at Tokyo, Japan, this 21 day of November, 1946.

BY THE TRIBUNAL:

(Signed) W. F. Webb
PRESIDENT OF THE TRIBUNAL